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Date: November 4, 2004

Martina Placid
Martina Placid

Docket No.: 415072000600
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ronghao LI et al.

Application No.: 09/545,659

Confirmation No.: 2403

Filed: April 10, 2000

Art Unit: 1651

For: HUMAN OVARIAN MESOTHELIAL CELLS
AND METHODS OF ISOLATION AND USES
THEREOF

Examiner: L. Lankford

REQUEST TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a request to withdraw the holding of abandonment. Applicants believe that the Notice of Abandonment mailed October 13, 2004 was sent in error.

Facts Supporting the Request:

1. The Notice of Allowability (Paper No. 18) dated February 25, 2003 indicated that the drawings filed on April 10, 2000 were accepted by the Examiner. As such, corrected drawings were not submitted and the issue fee was paid.

2. Applicants were not aware the drawings were unacceptable until a Decision on Petition dated September 10, 2004 was received from the U.S. Patent and Trademark Office. The Decision indicated that the Petition to Accept Color Drawings was denied.

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3. Applicants filed a Response to the Decision on Petition on October 12, 2004 (within the 30-day time period allowed). In the Response, Applicants withdrew the Petition to Accept Color Drawings and submitted substitute black and white photographic figures.

4. A Notice of Abandonment dated October 13, 2004 was sent out for Applicant's failure to timely file corrected drawings within the three-month period set forth in the Notice of Allowability.

Arguments Supporting the Request:

Applicants submit that since the Notice of Allowability dated February 25, 2003 indicated that the drawings were acceptable, and were not aware that the drawings were not acceptable until September 10, 2004, it was not possible to submit corrected drawings within the three-month period set forth in the Notice of Allowability. Further, Applicants responded to the Decision on Petition within the 30-day period to withdraw the Petition to Accept Color Drawings and submitted substitute black and white photographic figures.

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Application No.: 09/545,659

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Docket No.: 415072000600


CONCLUSION

Applicants made every effort to comply with the Patent Office's request to submit corrected drawings and believe that the Notice of Abandonment was sent in error. Accordingly, Applicants respectfully request that the Examiner withdraw the holding of abandonment, and to pass this application to issue.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant(s) petition(s) for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. (415072000600)

Dated: November 4, 2004

Respectfully submitted,

By 
Jic Zhou

Registration No.: 52,395
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304
(650) 813-5922

pa-932737

PATENT
Docket No. 415072000600

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EL154557996US

Date of Deposit: April 10, 2000

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.


Gary Paulazzo

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Rong-hao LI et al.

Serial No.: Not Yet Assigned

Filing Date: April 10, 2000

For: HUMAN OVARIAN MESOTHELIAL
CELLS AND METHODS OF
ISOLATION AND USES THEREOF

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

COPYPETITION UNDER 37 C.F.R. § 1.84(b)
TO ACCEPT PHOTOGRAPHIC DRAWINGSBOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicants request the photographs (Figures 1-5), (Figures 3 and 5 in color), be accepted.

The Assistant Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17, and 1.21 that may be required by this transmittal, or to credit any overpayment, to Deposit Account No. 03-1952.

Respectfully submitted,

Dated: April 10, 2000

By: Thomas E. Ciotti

Thomas E. Ciotti
Registration No. 21,013

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY

DECISION ON PETITION

In re Application of
Rong-hao LI et al
Serial No. 09/545,659
Filed: April 10, 2000


September 9, 2004

For: HUMAN OVARIAN MESOTHELIAL CELLS AND METHODS OF ISOLATION AND
USES THEREOF

This is a decision on the request for acceptance of color drawings under 37 C.F.R. § 1.84(b) filed April 10, 2000.

The petition has been reviewed and is found not to be in compliance with the requirements as set forth in 37 CFR § 1.84 (a)(2) and b (2). Specifically, three sets of color drawings and a statement as to why the color drawings are necessary have not been provided as required by 37 C.F.R. § 1.84(a)(2) and (b)(1). See MPEP 608.01(f).

Accordingly,
PETITION IS DENIED.


Michael G. Wityshyn
Supervisory Patent Examiner
Art Unit 1651

Jie Zhou
Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1108



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,659	04/10/2000	Rong-han Li	415072000600	2403

25226 7590 09/10/2004
MORRISON & FOERSTER LLP
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Morrison & Foerster, LLP
Palo Alto

EXAMINER
LANKFORD JR, LEON B

ART UNIT PAPER NUMBER

1651

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Request for Reconsideration Due - 40
DOCKETED July
REMINDER: 9/23/04
FINAL DUE DATE: 10/9/04

MORRISON & FOERSTER LLP

Attorneys at Law
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5600
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To:

NAME:	FACSIMILE:	TELEPHONE:
Cecilia Tsang U.S. Patent and Trademark Office	(571) 273-0562	(571) 272-0562

FROM: Jie Zhou**DATE:** November 4, 2004

Number of pages with cover page:	9
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Preparer of this slip has confirmed that facsimile number given is correct: 9013/mxp4**CAUTION - CONFIDENTIAL**

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Comments:

Attorney Docket No.: 415072000600
Group Art Unit: 1651
Examiner: L. Lankford
Serial No.: 09/545,659
Filing Date: April 10, 2000
Inventors: Ronghao LI et al.
Title: HUMAN OVARIAN MESOTHELIAL CELLS AND METHODS OF ISOLATION AND
USES THEREOF

Papers attached:

1. Transmittal Form (1 page)
2. Request to Withdraw Holding of Abandonment (3 pages)
3. Copy of Petition to Accept Color Drawings (2 pages)
4. Copy of Decision on Petition (2 pages)

**IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL
MARTINA PLACID AT 650-813-5723 AS SOON AS POSSIBLE.**

PA-932975

PTO/SB/21 (04-04)

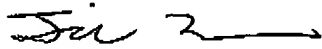
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/545,659	
	Filing Date	April 10, 2000	
	First Named Inventor	Ronghao Li	
	Art Unit	1651	
	Examiner Name	L. Lankford	
Total Number of Pages in This Submission	8	Attorney Docket Number	415072000600

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Request to Withdraw Holding of Abandonment (3 pages) 2. Copy of Petition to Accept Color Drawings (2 pages) 3. Copy of Decision on Petition (2 pages) 4. Fax Coversheet
<div style="border: 1px solid black; padding: 5px; width: 150px; float: left; margin-right: 10px;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MORRISON & FOERSTER LLP (Customer No. 25226) Jie Zhou - 52,395
Signature	
Date	November 4, 2004

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. 571-273-0562, on the date shown below.	
Dated: November 4, 2004	Signature: <u>Martina Placid</u> (Martina Placid)

pa-932770